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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,360	08/20/2001	Christoph Schwemler	Mo-6509 LcA 34,279	7157

157 7590 01/11/2006

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EXAMINER	
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ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 01/11/2006

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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/933,360
Filing Date: August 20, 2001
Appellant(s): SCHWEMLER ET AL.

Aron Preis
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7 November 2005 appealing from the Office action mailed 19 May 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct. However, it is noted that applicant should have included column and line references from the specification to evidence claimed subject matter.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5308558	Woldenberg et al.	5-1994
6265533	Regel et al.	7-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 4, and 5 are rejected under 35 USC 102(b) as being anticipated by Woldenberg et al., hereafter "Woldenberg" (U.S. Patent 5,308,558).

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Woldenberg, in view of Regel et al., hereafter "Regel" (U.S. Patent 6,265,533).

(10) Response to Argument

Applicant contends that Woldenberg does not show the introduction of polycarbonate melt from it process of preparation to an injection molding machine, bypassing granulation. This is not persuasive because while it is true that Woldenberg does teach introducing the polycarbonate melt into an extruder, he also teaches, in the ALTERNATIVE, injection molding the polycarbonate melt (Column 4, lines 30-33, 36-39). In the discussion of introducing the polycarbonate melt into the injection molding machine, there is no discussion of granulating

prior to injection molding. Therefore, it is believed that Woldenberg does, in fact, teach injection molding the melt without an intermediate pelletizing step.

Applicant contends that Woldenberg discloses that his mixing may be carried out at room temperature which would preclude the formation of a polycarbonate melt. Firstly it is noted that "room temperature" can be broadly interpreted to be any temperature at which a room is maintained. Secondly, it is noted that Woldenberg also notes that the mixing *may* be carried out at room temperature, therefore implying that it *may also* be carried out at other appropriate temperatures.

Applicant contends that the examiner misunderstands the phase interface process discussed in the present application and Woldenberg. Applicant goes on to say that the "phase interface process referred to in the present claims is identical to the one referred to in Woldenberg." Since applicant has admitted that the two phase interface processes are identical, it is unclear what is supposedly misunderstood by the examiner. It is maintained that Woldenberg teaches forming a polycarbonate through phase interface (Column 3, lines 64-67). There are no temperature specifications in applicant's claim that would differentiate applicant's phase interface process from Woldenberg's phase interface process. Therefore, it is being assumed that since applicant obtains a polycarbonate melt from his phase interface, Woldenberg will also form a polycarbonate melt using his phase interface, thus meeting applicant's claim.

Applicant contends that Woldenberg does not teach the instant invention because he discloses adding usual additives. This is not persuasive because the addition of usual additives does not necessarily indicate the following of a usual stepwise process. It is maintained that Woldenberg does not disclose granulating prior to injection molding.

Applicant contends that the rejection of claim 2 does not augment the rejection of claim 1 in any "meaningful manner." This is not persuasive because the response to the allegations against claim 1 is detailed above, and all previous rejections are maintained.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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